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ABSTRACT

This paper describes New Jersey's efforts to measure the performance of local school districts, efforts which include developing indicators of success and monitoring guidelines and certification standards. Specifically, this report compares and contrasts the ways in which local districts responded to being placed in "Level III"--a category for school districts that did not meet state performance criteria. For the most part, objections were widespread. Most district administrators were in agreement that urban school districts were penalized because of their large economically disadvantaged minority constituencies, dismayed by the negativity demonstrated by the New Jersey Department of Education, chagrined that the state chose only quantifiable measures, and disappointed that the state made no provisions to fund needed district improvements. The conclusion that New Jersey can initiate other evaluative models that do not punish and label school districts leads to the following recommendation for revision: that New Jersey do away with "compliance" monitoring in favor of "diagnostic" monitoring. (JAM)

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TAKING COVER, TAKING STOCK, OR TAKING CHARGE: AN URBAN DISTRICT'S RESPONSE WHEN A STATE DEPARTMENT OF EDUCATION CONSIDERS TAKING OVER

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Taking Cover, Taking Stock, or Taking Charge:
An Urban District's Response When a State Department
of Education Considers Taking Over

A growing awareness of the need for education to be this country's top priority, precipitated by the Nation at Risk report, generated a series of recommendations, private sector programs and statewide legislative initiatives. Calls for better information about the performance of school districts, including the development of indicators of success, monitoring guidelines and certification standards, have come from the Council for Chief State School Officers and the National Governors' Association, among others. Few states have been as involved in the measurement of local school districts as New Jersey.

New Jersey's Public School Education Act of 1975 set responsibilities for the State Department of Education. Included among them was the monitoring of local school districts to "provide to all children in New Jersey...the educational opportunity which will prepare them to function politically, economically, and socially in a democratic society."

The state's monitoring system was revised in 1984 and once again in 1987. Under a landmark law passed in 1988, the state gained the authority to take control of local districts that fail to meet minimum state standards. The "take-over law," as it has come to be known, is considered to be the most ambitious school intervention plan in the nation. It allows the state to take control of a school district and run it for at least five years. The district is declared "educationally bankrupt," the superintendent fired, and the board of education removed.

Districts are monitored once every five years on ten basic elements:

1. Annual Educational Planning
2. School and Community Relations
3. Comprehensive Curriculum and Instruction
4. Pupil Attendance
5. Facilities
6. Staff
7. Mandated Programs
8. Mandated Basic Skills Test
9. Equal Educational Opportunity/ Affirmative Action
10. Financial

For each element there are two or more indicators of standards of acceptable performance -- a total of 43 in all. To achieve certification, districts must demonstrate acceptable performance in all 43 indicators. Districts failing even one of the 43 are placed into Level II monitoring. Here, a district must prepare and implement a corrective action plan which the state must approve.

State monitors return in a year; not only to check on any indicators previously failed, but also to recheck all other indicators to see if they have been maintained. Districts failing to achieve certification under Level II are triggered into Level III. Level III districts unable to show reasonable progress become candidates for state take-over.

By September 1988, 565 of the state's 583 school districts were certified, with six districts in Level II, and 12 in Level III.

In September 1988, the Department of Education began the second cycle of monitoring, and acknowledged that the revised guidelines were "more rigorous." By December 1988, 40 of the scheduled 156 districts scheduled for monitoring during 1988-89 had been visited. Nearly one-third failed (McCarroll, 1989). As this was nearly twice the rate of failure as had occurred during the previous monitoring cycle - and

many of the failing districts were considered "good" - the department considered and rejected a "certification pending" category.

It was clear to all, however, that the monster that is compliance monitoring of local school districts in New Jersey was growing at a rate faster than the department of education could handle it. Poor districts, especially those that were predominantly minority, urban, and controlled by Democrats, were supposed to fail. When suburban districts that did not meet these criteria also failed, there was a sense that things may have gone a bit too far.

This paper will compare and contrast the ways in which local districts respond to being placed into Level III. Specifically, the Asbury Park, Jersey City, and Trenton Public School Districts will be studied. Asbury Park became the state's first Level III district in January 1984. Its response to the state has remained proactive. In effect, the district has managed to use the threat of Level III and possible state intervention as a reason for educational improvement. The state took the role of the "heavy," forcing the city to allow its school system to do those things it should have been doing all along.

In Jersey City, the district took quite the opposite tack. When the state moved to take-over in Jersey City in the spring of 1988, the district went to court to challenge the legislation.

In October 1988, the Trenton Public Schools went through the Level III monitoring process. Due to its inability to meet state prescribed minimal levels of academic proficiency, the district fell into Level III.

District Responses to the Monitoring Process Vary

Perhaps the most well known of New Jersey districts with respect to the monitoring process is Jersey City. Jersey City was the first, and to date remains the only, local district "taken-over" by the new legislation. With 28,865 students, the state's second largest district took cover.

In spite of a series of appeals, virtually all Jersey City financial and personnel decisions are all subject to approval by the state department of education. While not being able to meet state achievement standards continues to plague the district, it was the dealings of the business office and actions of the board with respect to personnel decisions that eventually led the state to take-over. The district has gone to great lengths to get its own story out to the media. But newspaper advertisements, and public notices have not worked especially well. The Jersey City Board and its central administration readily acknowledge their past sins, particularly a period from 1981 to 1985 when "there was a void in the central office; there were wrongful dismissals as recognized by a variety of administrative decisions, and, by the State's own allegations, political intrusion into the everyday operations of the school system" (Pikus, 1988).

A new mayor in 1985, followed by new Board of Education appointments and a reorganization of the district's central administration, led to positive changes. The district based its appeal of the take-over on the fact that it was the only Level III district in the state not permitted to develop a corrective action plan; that the new Board and administration were being blamed for what preceded them

rather than receiving credit for their own new initiatives and improvements; that the state's show cause order was a "series of conclusions with little, if any, factual support;" and that the state should have come to the aid of the district earlier. (Pikus, 1988).

The issue remains in the courts. While in appeal, however, the state's control remains. And since the appeal is eventually heard by the same department that moved for the take-over and sponsored the legislation, the district's chances are slim.

For Asbury Park, placement into Level III was met very differently. According to Stevens (1988) it was faced with three options: fight and rebut the Level III report; meet the minimum requirements the state suggested; or examine the entire district to meet district needs and overhaul the entire system. The third option was chosen. If Jersey City "took cover," by preparing its defense, circling the wagons, in an effort to fight the state, Asbury Park "took charge." Its size (2,873 students) made it much easier to control. Success came easier.

Asbury Park initially failed the state's monitoring process in 1984 because it was unable to meet state Minimal Levels of Proficiency (MLP) in grade 6 and grade 9 test scores and its school facilities were considered inadequate. In April 1986, unable to improve its test scores to recently established higher MLP's, and without the resources necessary to improve its buildings, Asbury Park fell into Level III.

Although the board and administration were disturbed by many "inaccuracies and superficial impressions" in the Level III monitoring report, it elected to use the report as a "catalyst." Level III "got everyone's attention "according to the Asbury Park's Board President.

The Superintendent expressed his initial dismay with the monitoring process because of how negatively the department of education interpreted everything (Stevens, 1988).

Indeed one criticism of the monitoring process that is nearly universal in the negative tone of the state. It assumes that by being in Level III, the district is incapable of helping itself. To legitimize what needed to get done, Asbury Park retained Research for Better Schools (R.B.S.) to provide independent judgement and lend credibility to the process.

Specifically, Asbury Park developed a five point improvement plan which went beyond the Level III report requirements. The state, in effect, was to become the reason or cause for the district to do what it needed to do anyway.

- increase time and intensity of basic skills instruction
- improve instructional supervision
- institute curriculum revision and alignment
- strengthen district planning, coordination and follow-up functions
- formalize communications and strengthen structure for teacher participation.

While Asbury Park's Level III experience has led to school improvement, the district is still unable to escape the label of "failed school district." It is a stigma that all Level III districts carry regardless of how far they come.

Looking at Trenton the City and the School District

State intervention in Trenton is not new. The district suffers more than it benefits from its back-yard status. Many of the day-to-day activities of a public school system that might never make the halls of

the state department of education from other districts are regular discussion topics in the Trenton state house and its education department. The district and the state are literally down the street from each other. From 1980-1982 the state appointed a Monitor General to manage the district. He had the power to over-rule the board and superintendent. The district was forced to support the full cost of the monitor general and his staff. After spending nearly $240,000, the state left Trenton schools. There were precious few changes.

Opponents of the initial 1987 take-over legislation cited the state's experience in the Trenton Public Schools for two reasons: first, to say that the process did not work; and second, to say that the Commissioner had the power to move on a district without legislative approval. Neither argument proved successful.

As the state capitol of New Jersey, government may be characterized as Trenton's largest industry. The city population exceeds 90,000. During working hours, these numbers swell to include thousands of state workers - most of whom do not live in Trenton, and few of whom send their children to the public schools. The city itself is located within Mercer County. Neighboring suburban towns and their respective school districts bare little resemblance to Trenton. While housing starts are up, and unemployment is at an all-time low throughout the county (Princeton serves as the best example), a Dickensonian "best of times, worst of times" characterizes Trenton.

Within Mercer County, Trenton city accounts for: 73% of all minorities; 75% of all Blacks; 70% of all Hispanics. Comparing the Trenton schools with the remaining Mercer County districts, the district accounts for: 72% of all minorities; 76% of all Black students; and 85%

of all Hispanic students. Most of these children are poor. Ninety-three percent of the children in the county who are eligible for public assistance attend Trenton Public Schools.

Dropping Into Level III

The monitoring process itself became the district's very reason to exist throughout the summer and fall of 1988. District staff prepared schools and the community for the monitoring. The Guide for the Evaluation of Local School Districts became the bible.

And like the bible, it was a book open to several interpretations depending upon individual beliefs and training. District staff, prepared for the strictest possible interpretation, awaited the results.

Results of the Level II monitoring were received January 13, 1989. In June 1988, when the test results were announced, the district knew it had failed the monitoring process. It became a matter of what else was failed. In spite of this fact, when county office staff visited schools and spoke to teachers and administrators from October 17 to November 4, staff took the process very seriously. And the district improved.

Of 43 indicators, the district passed 36 - 84%. In 1986, when last monitored, Trenton was rated unacceptable in 16 indicators, and passed 68.8%. In spite of this improvement, (and this continues to be district's biggest complaint about the process) only 100% perfect is passing in New Jersey.

It is important to note areas of improvement.

District students are coming to school more, exceeding 90% in average daily attendance. In 1986, this element was failed.

District staff are fully certified. Teaching and administrative attendance exceeded 95%. In 1986 this element was failed.

State required plans in mandated programs such as Basic Skills, ESL/Bilingual and Special Education were all acceptable. In 1986, corrective action was required to gain approval. All mandated program indicators were passed in 1988.

All school and community relations indicators were maintained from 1986 to 1988.

The district was unable to show full implementation of its desegregation and affirmative action plans in 1986. It passed all of these indicators in 1988.

All required financial indicators were passed in 1988. Corrective action was required to pass this element in 1986.

Key administrative staff reviewed the report. The County Superintendent and members of her staff met with district staff to review its contents.

The state's key finding was that the district is not in danger of being taken over by the state. Based on improvements, it was recommended to the Commissioner that Trenton be put "on the back burner" as far as an outside compliance team is concerned. The district is in a good position to make its own corrections. Given the progress, there may be from a year to a year and a half to correct deficiencies.

What was Failed, What was Passed, and What was Appealed

In a January 1989 letter from the Assistant Commissioner of Education to the State's Superintendents (McCarroll, 1989), differences

in monitoring of elements across the state's 21 counties were acknowledged. As a result, all findings were reviewed by each county superintendent before being returned to the local districts. In the case of Trenton, administration was certain that five of the seven monitoring indicators failed should have been rated as acceptable.

As a result, and based on the findings of inconsistencies in the monitoring of other districts, Trenton appealed five of seven indicators it failed.

1. Educational Goals: The state claimed that the district did not provide a special public notice to the community prior to adopting its educational goals in September 1987. The district was able to demonstrate that public notice was given for the board meeting in which the goals were adopted. The state did not require the "special public notice" until it revised the monitoring guidelines in August 1988 - eleven months after the district's goals were adopted and two months before the district was to be monitored.

2. Curriculum Evaluation: The state claimed the district did not have a specific evaluation procedure and plan for the evaluation of its curriculum. The district provided a plan for procedures and evaluation as a part of the curriculum development process. The state was looking for two separate documents. The district separated them and re-submitted them to the state. The state claimed never to have received them. The entire package was re-submitted.

3. Identification of Disruptive Pupils: The district was required to have a comprehensive program for disruptive students. Monitors found no evidence of a program for students in grades 9-12, only an alternative

school for students in grades 7 and 8. The district responded that the guidelines do not require a separate facility for disruptive students in these grades, only a program.

4. Identification of Disaffected Pupils: The district was required to show a written process for identifying disaffected students. The monitors found inconsistencies among principals and counselors with respect to differences between disruptive and disaffected students. In addition, it was unable to identify service specific to disaffected students. The district responded that the monitors had failed to examine individual rosters or to acknowledge a number of specific strategies used regularly by guidance counselors and other staff with disaffected students.

5. Substandard Classrooms: The district is obligated to gain county approval for the use of substandard classrooms. The name itself is a misnomer. A substandard class is any class that is not being used for its intended and approved purpose: for example, teaching mathematics in a typing room. The monitors identified six instances of substandard classroom use. All were corrected by the district before the monitors completed their monitoring.

Each of these five failed indicators was appealed successfully. Only student achievement remained. And no urban district has yet to be certified in student achievement under the new monitoring guidelines.

6. Grade Nine Achievement on the High School Proficiency Test (H.S.P.T.): In order to receive a state-endorsed high school diploma,

all students must pass the High School Proficiency Test (H.S.P.T.). The test consists of three sections - Reading, Mathematics and Writing, including a thirty minute essay which is wholistically scored. Students not passing the test in grade nine are given opportunities in each successive year. The class of 1989 is the first class to graduate under these new standards. They first took the test as ninth graders in 1986.

Although the district is monitored, each school with a ninth grade (in Trenton's case five schools) must demonstrate that 75% of their students passed each of the three sections in order to graduate. That is the district must go 15 for 15 to achieve certification - three sections for each of five schools. While improving its percent of passing from 50% to 71% in reading; from 39% to 52% in mathematics; and 46% to 70% in writing; the district failed this element.

7. Achievement in Grades Three and Six on Standardized Achievement Tests: To meet achievement standards, 75% of all third and sixth grade children in all schools in the district must meet or exceed state Minimal Levels of Proficiency (M.L.P.) in Reading, Mathematics and Language. For Trenton, that translated into 102 independent measures; seventeen elementary schools with grades three and six must each achieve above state standards in three separate tests - 17x2x3=102. And only a perfect 102 results in certification. In spite of the fact that Trenton hit on 90.6% of these achievement milestones, it failed. Only "perfect" is passing in New Jersey. And the district is not alone. It is just that it was among the first to be monitored. Using 1988 achievement as an indicator, 130 of the states 583 districts would fail the monitoring.

As with the H.S.P.T., the fact that the district average is above the state M.L.P. does not impact on the results of the monitoring. In grade six, the district exceeded the state M.L.P. In grade three, it missed full certification by 21 children.

Complicating things even more in the state's measure of achievement is the way in which the M.L.P.'s are set by the department of education. A different M.L.P. for each grade for each state-approved publisher's test is established. Trenton used the 1985 C.A.T. In mathematics, M.L.P.'s in grade three are set at the 45%ile, and in grade six at the 46%ile. But in spite of protests from the publishers, the local districts - especially the urbans, - must struggle to get 75% of their students in each school above the 45th or 46th percentile.

The state monitoring process makes far more demands upon urban districts than it does upon non-urban districts. The main reason for this may be less a function of poverty or race and more a function of size. The larger the district, the more schools, the more obligations, and the more opportunities to fail. This is true of virtually all monitoring elements; particularly achievement, attendance, and equal educational opportunity, where all urban districts are required to have desegregation plans. Most suburban districts are not.

In Search of a Theortical Explanation

As presently constituted, the state monitoring process in New Jersey, in an effort to appear objective, only examines those things that can be quantifiably measured: how many; how long; who attended; was there a public notice within 15 days; is there written documentation; etc. The result, especially in the poorer urban districts, becomes the

monitoring equivalent of teaching to the test.

Contrary to some excellent policy research (Timar and Kirp, 1988; Richards, 1988), states continue to push for the kinds of outcome measures for district accountability that really fail to help either the districts or their state departments.

Richards (1988) outlines the three prototypical models of state educational monitoring systems: monitoring for regulartory compliance; monitoring for instructional diagnosis/remediation; and monitoring for school performance outputs. New Jersey, according to Richards (1988), is the "classic example of compliance monitoring." None of the 43 indicators in the 10 elements require <u>any</u> classroom observation. But, records of each teacher evaluation must be on file in the principal's office or the district fails one of the "staff" indicators. The law and code of New Jersey dictate the monitoring elements. It is pass or fail.

Missing in New Jersey is any of the diagnostic monitoring elements that might best be used for student improvement. Richards (1988) presents Minnesota as a best case.

Performance monitoring also concentrates on student improvement as its key outcome indicator, but may be expanded to other areas. Richards (1988) presents California as a best case.

Richards (1988) expresses certain assumptions of compliance monitoring systems which are based on adequate inputs and resources. Differences between and among schools as a result of resources are not taken into consideration by the state. The assumption that a certified school district is meeting the needs of its students (or that a non-certified district is not) may be incorrect. The literature

reviewed by Richards (Hanushak, 1981; Purkey and Smith, 1983; Rowan, Bossert and Dwyer, 1983) shows that health and safety requirements lend themselves better to compliance monitoring then do school effectiveness or academic achievement.

The fact remains, however, that New Jersey is not likely to change.

If the Trenton Public Schools Could Take Charge

There is nothing worse for a district, especially an urban district competing for limited resources with a city which puts public safety needs above all others, than to be labeled deficient. Or worse, to be called educationally bankrupt by its governor.

If this district could take charge, the monitoring process would probably be changed to reflect the educational importance of schools as institutions. As things stand now, a district fails the monitoring even if it passes the achievement indicators. A locked lavatory door in a junior high school fails a district.

If this district could take charge, all districts would be given credit for improving their performance. As things stand now, a district fails the monitoring if any grade in any school fails to meet minimum levels in any of the three areas of reading, mathematics and writing.

If this district could take charge, all districts would be able to use state department resources to assist in the improvement process. As things stand now, compliance rules. State department staff are prohibited from telling a district how to do something correctly. The districts must look in the guidebook for the directions. State staff can only report what was deficient.

If this district could take charge, it would attempt to shift the focus of the monitoring process away from the political agenda of the current administration and toward a more rational model. If education in schools is about helping, a state department should reconsider a model designed primarily to punish and label.

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